

## Declaration for Patent Application

Docket Number: 0652.2290001/EKS/Y-W

As a below named inventors, We hereby declare that:

Our residence, mailing addresses and citizenship are as stated below next to our names.

We believe we are the original, first joint inventors (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: Method for Identifying Compounds Modulating Sister Chromatid Separation, the specification of which is attached hereto unless the following box is checked:

was filed on January 22, 2002;  
 as United States Application Number 10/051,311; and  
 was amended on \_\_\_\_\_ (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)		Priority Claimed
<u>EPO 01 101 252.3</u> (Application No.)	<u>Europe</u> (Country)	<u>19 January 2001</u> (Day/Month/Year Filed)
_____ (Application No.)	_____ (Country)	_____ (Day/Month/Year Filed)

Yes  No

Yes  No

Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
 1100 New York Avenue, N.W.  
 Suite 600  
 Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

Appl. No. 10/051,311  
 Docket No. 0652.2290001/EKS/Y-W

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Jan-Michael PETERS	
Signature of sole or first inventor <i>Jan-M. Peters</i>	Date <i>13.05.2002</i>
Residence Kielmannsegasse 14, A-2100 <del>Klosterneuburg</del> , AUSTRIA	<i>KLOSTERNEUBURG</i>
Citizenship GERMAN	
Mailing Address same as above.	
Full name of second inventor Irene WAIZENEGGER	
Signature of second inventor <i>Irene Waizenegger</i>	Date <i>13.05.2002</i>
Residence Lechnerstrasse 13/18, A-1030 Vienna, AUSTRIA	
Citizenship GERMAN	
Mailing Address same as above.	
Full name of third inventor Wolfgang SOMMERGRUBER	
Signature of second inventor <i>Wolfgang Sommergruber</i>	Date <i>13.05.2002</i>
Residence Linzer-Straß 19/Haus 4, A-3002 Purkersdorf, AUSTRIA	
Citizenship AUSTRIAN	
Mailing Address same as above.	

## POWER OF ATTORNEY FROM ASSIGNEE

Docket No.: 0652.2290001/EKS/Y-W

*1/3,600*

**Boehringer Ingelheim International GmbH**, a corporation of Germany, having a principal place of business at Binger Straße 173, D-55216 Ingelheim am Rhein, is assignee of the entire right, title and interest for the United States of America (as defined in 35 U.S.C. § 100), by reason of an Assignment to the Assignee executed on (1) 5/13/02, (2) 5/12/02, (3) 5/15/02 of an invention known as Method for Identifying Compounds Modulating Sister Chromatid Separation (Attorney Docket No. 0652.2290001/EKS/Y-W), which is disclosed and claimed in a patent application of the same title by the inventors (1) Jan-Michael PETERS, (2) Irene WAIZENEGGER and (3) Wolfgang SOMMERGRUBER (said application filed on January 22, 2002 at the U.S. Patent and Trademark Office, having Application Number 10/051,311).

The Assignee hereby appoints the U.S. attorneys associated with **CUSTOMER NUMBER 28393** to prosecute this application and any continuation, divisional, continuation-in-part, or reissue application thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith, such attorneys currently being: Robert Greene Sterne, Esq., Reg. No. 28,912; Edward J. Kessler, Esq., Reg. No. 25,688; Jorge A. Goldstein, Esq., Reg. No. 29,021; David K.S. Cornwell, Esq., Reg. No. 31,944; Robert W. Esmond, Esq., Reg. No. 32,893; Tracy-Gene G. Durkin, Esq., Reg. No. 32,831; Michele A. Cimbala, Esq., Reg. No. 33,851; Michael B. Ray, Esq., Reg. No. 33,997; Robert E. Sokohl, Esq., Reg. No. 36,013; Eric K. Steffe, Esq., Reg. No. 36,688; Michael Q. Lee, Esq., Reg. No. 35,239; Steven R. Ludwig, Esq., Reg. No. 36,203; John M. Covert, Esq., Reg. No. 38,759; Linda E. Alcorn, Esq., Reg. No. 39,588; Lawrence B. Bugaisky, Esq., Reg. No. 35,086; Donald J. Featherstone, Esq., Reg. No. 33,876; and Robert C. Millonig, Esq., Reg. No. 34,395. The Assignee hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
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Direct phone calls to 202-371-2600.

FOR:	<u>Boehringer Ingelheim International GmbH</u>	
	ppa.	i.V.
SIGNATURE:	<u>Pauli</u>	
BY:	<u>Dr. Dieter LAUDIEN</u>	<u>Marion HOSS</u>
TITLE:	<u>Head of Patent Division</u>	<u>Authorised person of Patent Division</u>
DATE:	<u>June 6, 2002</u>	



DO NOT FORWARD  
TO ASSIGNMENT BRANCH  
NOT FOR RECORDATION

## ASSIGNMENT

Docket No. 0652.2290001/EKS/Y-W

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: (1) Jan-Michael PETERS, (2) Irene WAIZENEGGER and (3) Wolfgang SOMMERGRUBER, the undersigned inventors hereby sells and assigns to Boehringer Ingelheim International GmbH (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

*check applicable box(es)*  for the United States of America (as defined in 35 U.S.C. § 100),  
 and throughout the world,

(a) in the invention known as Method for Identifying Compounds Modulating Sister Chromatid Separation for which application for patent in the United States of America has been executed by the undersigned on (1) 5/13/02, (2) 5/13/02 and (3) 5/13/02 (also known as United States Application No. 10/051,311, filed January 22, 2002), in any and all applications thereon, in any and all Letters Patent therefor, and

*Eg  
5/13/02*

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventors agree to execute all papers necessary in connection with the application and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned inventors agree to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the applications or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination applications thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventors hereby represent that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventors hereby grant Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; Linda E. Alcorn, Esquire, Registration No. 39,588; Lawrence B. Bugaisky, Esquire, Registration No. 35,086; Donald J. Featherstone, Esquire, Registration No. 33,876; and Robert C. Millonig, Esquire, Registration No. 34,395, all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

Date: 13.05.2002 Signature of Inventor: Jan M. Peters  
Jan-Michael PETERS

Date: 13.05.2002 Signature of Inventor: Irene Waizenegger  
Irene WAIZENEGGER

Date: 13.05.2002 Signature of Inventor: Wolfgang Sommergruber  
Wolfgang SOMMERGRUBER